

**East Devon  
AONB  
Partnership Plan**

**Habitats Regulations  
Screening Assessment  
Post Consultation final  
report**

**Jan 2019**

# East Devon AONB Partnership Plan

## A Screening Report for a determination under Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

Prepared by: East Devon AONB Partnership.

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## 1. Introduction

The East Devon AONB Partnership Plan 2019-24 may only be adopted by the relevant local authorities after they have determined that it will not adversely affect the integrity of any ‘Natura 2000 sites’<sup>1</sup>. These sites contribute to the protection of habitats and species of high nature conservation importance in the European Community.

A strategic level, screening assessment, often referred to in England as a ‘Habitats Regulations Assessment’ (HRA), was undertaken on the policies in the Partnership Plan and highlights where there is a need to undertake additional assessment of actions under the annual Delivery Plan part of the Partnership Plan.

## Status of this report

This document is a ‘Habitats Regulations Assessment’ (HRA) Screening Report on the East Devon AONB Partnership Plan to inform the determination required under Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

The assessment process was undertaken on the Consultation Draft of the AONB Partnership Plan. This Consultation Draft had taken account of the Strategic Environmental Assessment (SEA).

## 2. Habitat Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats and wild flora and fauna, commonly known as the ‘Habitats Directive,’ provides for the protection of habitats and species of European Community importance. Article 2 of the Directive requires the maintenance (or restoration), at favourable conservation status, habitats and species of European Community interest. This is partly implemented through a network of protected areas referred to as ‘Natura 2000 sites’ (N2K), consisting of:

- Special Areas of Conservation (SACs) -designated under the Habitats Directive;
- Special Protection Areas (SPAs) -designated under the Wild Birds Directive<sup>2</sup>.

‘Ramsar sites’, designated under the Ramsar Convention 1971<sup>3</sup>, are treated by the UK Government as if they were Natura 2000 sites in terms of the protection and management afforded to them. They should be included in assessment, where relevant.

Article 6(3) of the Directive requires that ‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives.’

This requirement is implemented in domestic English law through The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) commonly referred to as the ‘Habitats Regulations’,

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<sup>1</sup> Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994

<sup>2</sup> Council Directive 79/409/EEC on the conservation of wild birds. The ‘Wild Birds’ Directive.

<sup>3</sup> Convention on the Wetlands of International Importance especially as Waterfowl Habitat 1971. The ‘Ramsar Convention’.

with Regulation 48 setting out the requirements of Article 6. Undertaking of these particular requirements is often termed a 'Habitat Regulations Assessment'.

The purpose of a Habitat Regulations Assessment (HRA) is to assess the impacts of a plan on relevant Natura 2000 sites. The assessment should determine whether the plan would adversely affect the integrity of the site in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential for damaging effects.

Screening is the initial step in the assessment process to identify likely impacts on Natura 2000 sites from a project or plan, either alone or in combination with other projects or plans and consider whether these impacts are likely to be significant. During screening the precautionary principle must be applied. If an effect cannot be ruled out it must be reported as likely. Where significant adverse effects are identified, the law requires further assessment to be undertaken.

### 3. Screening Methodology

The purpose of screening is to ascertain whether the East Devon AONB Partnership Plan, either alone or in combination, is likely to have effects on (relevant) Natura 2000 sites, and to consider whether it can be objectively concluded that these effects will not be significant. The importance of the international conservation interest of the site should be at the forefront of decision-making.

The scope and depth of the assessment is to be decided by the 'Competent Authority'<sup>4</sup> and depends on the location, influence and significance of the proposed plan.

Neither the Habitats Directive<sup>5</sup> nor the Habitats Regulations<sup>6</sup> specify the method of assessment required; only that it must be 'appropriate'. The level and scope of assessment is to be determined by the Competent Authority (in this case the AONB Partnership on behalf of the Local Authority(s)).

In the case of AONB Management Plans, Natural England has provided guidance on what it considers to be an 'appropriate' level and scope of assessment. This is detailed in Guidance to English AONB Partnerships and Boards on appropriate assessment under the Habitats Directive provided by Natural England January 2008. In addition, the European Commission's Environment Directorate produced guidance in 2001, Assessment of plans and projects significantly affecting Natura 2000 sites Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. These guidelines were used to inform the Screening methodology.

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<sup>4</sup> In the case of the AONB Partnership Plan this role has been devolved to the AONB Partnership.

<sup>5</sup> Council Directive 94/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive')

<sup>6</sup> The Conservation (Natural Habitats &c.) Regulations 1994 as amended by the Conservation Natural Habitats (Amendment) (England and Wales) Regulations 2006) commonly known as the 'Habitats Regulations'.

This screening process comprises four steps:

1. Determining whether the project or plan is directly connected with or necessary to the management of the site(s)
2. Describing the Partnership Plan and possible impacts
3. Identifying the potential effects on the Natura 2000 sites
4. Assessing the significance of any effects on the Natura 2000 sites

The actual 'screening' evaluation is completed as a two-stage process:

1. Preliminary considerations consider the vulnerabilities of each site, and what potential impacts may be damaging to the site. For some policies the decision of No Likely Significant Effect will be obvious, and these can be screened out immediately. At the other extreme, some policies may very clearly have a Likely Significant Effect. These policies will need to be taken forward for 'appropriate assessment' or removed from the Partnership Plan.
2. In other cases the judgement about a Likely Significant Effect will be less clear cut. It is in these cases that it is necessary to consider further the nature of the potential effect. This is the purpose of the fuller considerations assesses the potential impacts of each policy on the specific conservation objectives of the site, the significance of such an impact and the degree of risk of it occurring.

## 4. The Need for assessment

### Directly connected to site management

If a plan is directly connected to or necessary for the conservation management of a Natura 2000 site, there is no need to undertake a Habitats Regulations Assessment because its purpose is to manage the site so as to meet its Conservation Objectives.

In considering whether the Partnership Plan is 'directly connected with or necessary to the management of the [Natura 2000] site', the term 'directly' refers to measures that are conceived solely for the purpose of management of that site. The term 'management' should be treated as referring to the 'nature conservation management' of that site<sup>7</sup>.

Although the East Devon AONB Partnership Plan does propose policies which promote nature conservation generally, it is clear that the plan is neither directly connected with nor necessary to the management of any of the identified Natura 2000 sites. Therefore, it requires assessment to determine if it will have significant effects on the site(s) concerned.

It is worth noting that every N2K site has a Site Improvement Plan, which identifies risks and threats to the interest features. The south-west ones can be found [here](#). By Spring 2019 supplementary Conservation Advice will be published for all N2K sites to supplement the existing Conservation Objectives. See Exe Estuary SPA [example](#) to date.

### Likely to have a significant effect

Natural England considers that AONB Management Plans are plans which could have significant effects (both positive and negative) on Natura 2000 sites. Thus, they should be assessed before formal adoption.

## 5. Scope of the assessment

Relevant authorities<sup>8</sup> must have regard to conserving and enhancing the AONB when carrying out functions that may affect the AONB, even when these functions are carried out outside the AONB boundary. Therefore, Partnership Plan policies may be applied outside the AONB boundary. Also, the effects of policies may be observed outside the AONB boundary.

Natural England guidance suggests a 10-15km buffer should be used as a 'rule of thumb' to scope for relevant Natura 2000 sites for inclusion in the Screening process. Further consultation with the local Natural England office, by the AONB Unit, established that a 15km buffer from the AONB boundary is appropriate given the issues the AONB Partnership Plan addresses.

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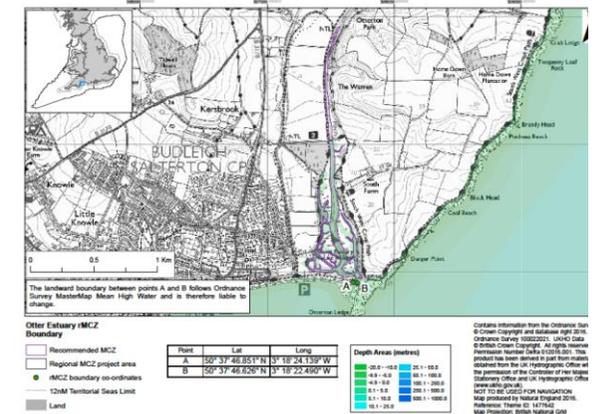
<sup>7</sup> European Commission, Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC European Communities 2000 Para 4.3.3.

<sup>8</sup> Defined under section 85(2) The Countryside and Rights of Way Act 2000.

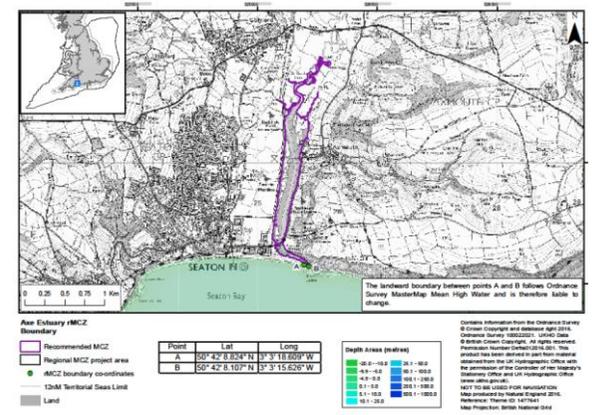
Map 1: Natura 2000 site Screening Map with 15km buffer zone from AONB boundary<sup>9</sup>



### Otter Estuary Marine Conservation Zone



### Axe Estuary Marine Conservation Zone



<sup>9</sup> See Pg 18 Item 10. Further considerations, regarding Marine Conservation Zones MCZ's

**Table 1 Natura 2000 sites within the AONB or within 15 km of the boundary**

Site Name	UK Site Code	Qualifying Features
<b>Beer Quarry and Caves SAC</b>	UK0012585	1323 Bechsteins bat <i>Myotis bechsteinii</i> 1303 Lesser horseshoe bat <i>Rhinolophus hipposideros</i> 1304 Greater horseshoe bat <i>Rhinolophus ferrumequinum</i>
<b>Dawlish Warren SAC</b>	UK0030130	2110 Emryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (“white dunes”) 2130 Fixed dunes with herbaceous vegetation (“grey dunes”) 2190 Humid dune slacks 1395 Petalwort – <i>Petalophyllum raifsi</i>
<b>East Devon Pebblebed Heaths</b>	UK0012602	4010 North Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 1044 Southern damselfly <i>Coenagrion mercurial</i>
<b>East Devon Heaths SPA</b>	UK9010121	Nightjar <i>Caprimulgus europaeus</i> Dartford Warbler <i>Sylvia undata</i>
<b>Exe Estuary SPA (&amp; Ramsar)</b>	UK9010081	A046a Brent Goose <i>Branta Bernicia Bernicia</i> A149 Dunlin <i>Calidris alpina alpina</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A156 Black-tailed Godwit <i>Limosa limosa islandica</i> A141 Grey Plover <i>Pluvialis squatarola</i> A007 Slavonian Grebe <i>Podiceps auritus</i> A132 Avocet <i>Recurirostra avosetta</i>
<b>River Axe SAC</b>	UK0030248	Water courses of plain to montane levels with the <i>Rannunculion fluitantis</i> and <i>Callinicho-Batrachion</i> vegetation 1905 Sea Lamprey <i>Petroyzon marinus</i> 1096 Book lamprey <i>Lampetra planeri</i> 1163 Bullhead <i>Cottus gobio</i>
<b>Sidmouth to West Bay SAC</b>	UK0019864	1230 Vegetated season cliffs of the Atlantic and Baltic Coasts 9180 <i>Tilo-Acerion</i> forests of slopes, screes, and ravines (priority feature) 1210 Annual vegetation of drift lines
<b>South Hams SAC</b>	UK0012650	4030 European Dry Heaths 6210 SemiNatural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) 1230 Vegetated season cliffs of the Atlantic and Baltic Coasts 9180 <i>Tilo-Acerion</i> forests of slopes, screes, and ravines (priority feature) 8310 Caves not open to the public 1304 Greater horseshoe bat <i>Rhinolophus ferrumequinum</i>
<b>Chesil and the Fleets SAC</b>	UK0017076	1150 Coastal lagoons 1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks 1420 Mediterranean and thermo-Atlantic halophilus scrubs ( <i>Sarcocometea fruticosi</i> ) Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> )
<b>Lyme Bay and Torbay SAC</b>	UK0030372	1170 Reefs 8330merged or partially submerged sea caves

## 6. Site descriptions

The following site descriptions are provided for those sites that the policies in the AONB Partnership Plan are considered to have negligible impact or effects on.

### Dawlish Warren SAC

It is considered that the potential for significant impacts to the qualifying features of Dawlish Warren SAC by policies in the AONB Partnership Plan are negligible. The main issue which could have an impact relates to coastal processes which could be affected by coastal Policy CI” Conserve and enhance the tranquil, unspoiled and undeveloped character of the coastline and estuaries and encourage improvements to coastal sites damaged by past poor-quality development or intensive recreational pressure.” Coastal defences fall within the scope of this policy and the removal or

altering of coastal defence structures. Preliminary desk research was undertaken on the risk of effects.

Dawlish Warren and the East Devon AONB coastal section are within separate 'sediment cells' this coupled with the dominant direction of littoral sediment movement from southwest to northeast<sup>10</sup> makes the risk of adverse effects on Dawlish Warren from the East Devon AONB coast negligible. Only at the western most boundary of the AONB just west of Straight Point could sediment inputs from coastal slope/cliff erosion occur, but these impacts are also considered negligible. Natural England considers that changes along the East Devon coast within the AONB will have negligible impacts on this site and its qualifying features. As a result, this site was screened out and was not considered further in the process.

### **South Hams SAC**

South Hams SAC is designated for Greater Horseshoe bats. Given the site's distance from the AONB boundary it is considered that there are no likely significant effects. As a result, this site was screened out and was not considered further in the process.

### **Chesil and the Fleet SAC**

This SAC is only just within 15km of the AONB boundary. It is considered that impacts from the AONB policies are unlikely to have effects on this site. This site is not considered further in this screening.

### **Lyme Bay and Torbay SAC (SCI)**

It is considered that the potential for significant impacts to the qualifying features of Lyme Bay and Torbay SAC by policies in the AONB Partnership Plan are negligible. The main issue which could have an impact relates to coastal processes which could be affected by coastal Policy C1 "Conserve and enhance the tranquil, unspoiled and undeveloped character of the coastline and estuaries and encourage improvements to coastal sites damaged by past poor-quality development or intensive recreational pressure." And policy C2 "Support and encourage action that maintains the highest standard of bathing water quality and litter management in the estuaries along the coast". Given the high-tide boundary of the AONB and the operations likely to affect the habitat it is considered that changes along the East Devon coast within the AONB will have low/negligible impacts on the qualifying features of this site. As a result, this site was screened out and was not considered further in the process.

### **All other sites**

Policies in the AONB Partnership Plan are considered to have the potential for effects on the remaining 6 sites and require consideration in the screening assessment.

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<sup>10</sup> SCOPAC <http://www.scopac.org.uk/scopac%20sediment%20db/exe/index.htm> (12-10-08)

## 7. Evidence Base and Site Characterisation

Screening decisions were made on the basis of currently available information relating to the Natura 2000 sites. The following information is available:

- a. List of SACs and SPAs inside and within and 15km of the AONB boundary
- b. Site characterisation information and Site Improvement Plans
- c. Evidence base for the AONB Partnership Plan Review
- d. Strategic Environmental Assessment
- e. Other relevant Habitats Regulations Assessments

Site characterisation has used information drawn from:

- 1) SAC, SPA and Ramsar site Data Forms on NE/JNCC website
- 2) Conservation Objectives and Favourable Condition Tables
- 3) Component SSSI information including:
  - a) Citations
  - b) Condition Assessments
  - c) Views about Management
  - d) Operations Likely to Damage

Information about each of the relevant sites is given in Characteristics of Natura 2000 sites. Key factors affecting site integrity and its vulnerabilities are included. This information assisted in determining possible effects on individual sites from policies within the Partnership Plan.

It is important to note that every Natura 2000 site now has a Site Improvement Plan, which identifies risks and threats to the interest features. The south-west ones can be found at <http://publications.naturalengland.org.uk/category/5755515191689216>. And by the end of 2018/19 financial year the plan is to have supplementary Conservation Advice published for all N2K sites, to supplement the existing Conservation Objectives. All the SAC and SPA sites screened in to the HRA now have draft published Supplementary Advice, with the exception of Beer Quarry and Caves SAC and Sidmouth to West Bay SAC. All the SAC and SPA sites screened in to the HRA now have draft published Supplementary Advice, with the exception of Beer Quarry and Caves SAC and Sidmouth to West Bay SAC. Advice for East Devon Heaths SAC, East Devon Pebblebed Heaths SPA, River Axe SAC can be found here; <http://publications.naturalengland.org.uk/category/5374002071601152>

## **8. Description of the AONB Partnership Plan and possible effects**

In describing the Partnership Plan, it is necessary to identify elements which alone or in combination with other plans and projects (including its Delivery Plan) have the potential to lead to significant effects on the identified Natura 2000 sites. In identifying possible impacts no account has been taken of the existing legislative, regulatory or management protection mechanisms. This will be done at a later stage in assessment.

### **Brief description of the Partnership Plan**

East Devon AONB, one of 5 AONBs that fall within Devon, abuts the Blackdown Hills AONB to the north and Dorset AONB to the east. The East Devon AONB Partnership Plan is primarily focussed on the statutory purpose of designation to conserve and enhance the natural beauty of the AONB.

### **Current Key Objectives within the Partnership Plan are:**

- 1) Improved coordination and influence in the management of the distinctive landscape and historic environment features of the AONB, to ensure they maintained, enhanced, understood and appreciated.
- 2) The sustainable management of the natural resources of the AONB.
- 3) The biodiversity and geological assets of the AONB are conserved and enhanced as part of a bigger, better more joined up landscape.
- 4) The conservation and enhancement of the high quality and internationally significant coastline.
- 5) A sustainable farming, forestry and land management sector that helps to conserve and enhance the character of the AONB.
- 6) A sustainable access, recreation and tourism sector that is in keeping with AONB purposes and does not harm the conservation of natural beauty or the needs of agriculture, forestry and other uses.
- 7) Planning development and policy protects the special landscape character and tranquillity of the AONB and will enable appropriate forms of social and economic development that are compatible with the landscape, so conserving and enhancing the environment.
- 8) The impact on the landscape, environment and enjoyment of the AONB is considered in the planning and provision of transport networks and services.
- 9) A sustainable rural economy in the AONB that serves to conserve and enhance the character of the landscape.
- 10) Improved access to services and facilities and the active participation in community and appropriate landscape related social enterprise.
- 11) A greater awareness of the AONB, the purposes of designation and the role of the Partnership and range of opportunities for engagement.
- 12) The AONB Partnership will act as ambassadors for East Devon AONB, influence policy and decision making affecting AONBs and work to secure funding for the long-term co-ordinated management of the area and report on its work.

Details of the Partnership Plan Policies can be seen in Appendix 2

## **Likely direct, indirect or secondary impacts of the plan (either alone or in combination with other plans or projects) on the Natura 2000 sites by virtue of:**

### **Size and scale**

Designated in 1963 the AONB lies wholly within East Devon District, covering 103 square miles (268 km<sup>2</sup>) –approximately 32% of the District and including all, or part, of 30 parishes.

The Partnership Plan sets out the policies of the local authorities in relation to the AONB. But, since all relevant authorities <sup>11</sup> must have regard to conserving and enhancing the AONB when carrying out functions that may affect it, even where these functions are carried out outside its geographic boundary, the influence of the policies extends beyond the designated boundary and the area of influence will be specific to the issue or activity.

### **Land-take**

There is no direct land-take associated with the implementation of the Partnership Plan.

### **Plan sector**

The Partnership Plan sets out policies influencing a range of sectors. Those which may be likely to lead to effects include:

- Agriculture and forestry
- Coastal, estuarine and marine management – maritime sector, fisheries
- Nature conservation
- Tourism
- Recreation / Leisure
- Economic activity / growth
- Energy
- Land-use planning and development
- Transport
- Mineral extraction

## **Potential impacts of each are addressed below:**

### **Agriculture and Forestry**

Forces for change identified in the Partnership Plan include pressures on the farming sector to diversify. Diversification may lead to farms moving to bioenergy crops that can impact on local biodiversity. These issues could be exacerbated in the longer term by climate change impacts.

Land management changes in the wider countryside outside Natura 2000 sites has potential for direct impacts on Bechstein's, Greater Horseshoe and Lesser Horseshoe bats (Beer Quarry and Caves SAC) if foraging areas are altered.

### **Coastal /marine management**

Enhancing past poor development at the coast where this includes coastal defence, could lead to effects on the natural processes required to maintain interest features such as dunes annual

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<sup>11</sup> Defined under section 85(2) Countryside and Rights of Way Act 2000.

vegetation of drift lines, and vegetated sea cliffs. Changes to the coast can cause impacts along the coast outside the AONB, particularly with regards altering sediment movement.

### **Nature conservation**

The Plan sets out policies to conserve and enhance habitats and species in the AONB as well as geodiversity.

### **Tourism and Recreation / Leisure**

Increasing sustainable tourism, changes in the types of recreational use, or the opening up of new access opportunities in the AONB that is based on its natural assets may lead to increased visitor trips to the AONB creating long-term increases in traffic, air pollution, and noise pollution impacts. Secondary effects over the long-term could include an increase in demand through housing growth.

### **Economic activity / growth**

The plan encourages the diversification of economic activity within the AONB. One of the concerns identified in the Plan is the management of sites with a high ecological value but which have a low 'directly attributable' or perceived financial return.

### **Energy**

Policies within the Partnership Plan address the approach to renewable energy provision within the AONB. Depending upon the scale, location and design of renewable energy solutions, these may have significant environmental impacts.

### **Land-use planning and development**

Policies within the Partnership Plan address the approach to land-use planning and consideration of individual planning applications within or affecting the AONB.

### **Transport and infrastructure**

Possible indirect positive effects from the plan may include reductions in transport requirements through the promotion of integrated and sustainable transport options. However, additional infrastructure for sustainable transport such as cycle routes could have effects depending upon implementation and location of projects.

### **Mineral extraction**

There are no direct requirements for mineral extraction within the plan. However, encouraging maintenance of local distinctiveness in new development may lead to increased demand for local quarrying. Especially if planning conditions were to stipulate locally sourced materials for construction.

### **Resource requirements (water abstraction etc.)**

There are no requirements for water abstraction within the Partnership Plan. There could be a reduction in resource use through policies promoting recycling. Potential increases in natural resource use could arise from policies encouraging local timber production. Policies supporting the concept of affordable housing could also lead to a local increase in natural resource use.

### **Emissions (disposal to land, air, water)**

Possible effects from the plan may include reductions in emissions to air from policies supporting renewable energy and sustainable transport.

Promotion of wood fuel based renewables would result in increased local emissions to air in the AONB if they are additional or replacing electricity use, though these are likely to be small scale, and the impacts are unlikely to be significant. The use of clean burn technology would help to reduce the emissions effects.

### **Excavation requirements**

The policies themselves do not create any excavation requirements. Some of the activities addressed by these policies may result in excavation, for example, provision of affordable housing, renewable energy developments requiring construction etc.

### **Duration of construction, operation, decommissioning, etc**

The policies themselves will not generally lead to construction activities but they do address activities involving construction; such as provision of affordable housing, renewable energy installations, transport networks etc. Therefore, impacts from construction may result from the activities of others that may be supported by the policies in the Partnership Plan.

### **Plan implementation period**

From 2019 -24 inclusive.

### **Cumulative impacts with other projects or plans**

The purpose of the AONB Partnership Plan is to set out the policy of the relevant local authorities towards the AONB. Policies are purposefully protective towards the environment and will have varying degrees of influence on the way in which local authorities carry out their duties and functions in general and under other plans, such as the Local Plan, Transport Plans, Neighbourhood Plans and Shoreline/Beach Management Plans etc.

A large number of plans, programmes and environmental protection objectives were identified through both the SEA Scoping and the Partnership Plan Review processes.

Natural England's formal guidance on AONB Management Plans states that "It is Natural England's view that if a Management plan does not have a significant environmental effect then it is not necessary to carry out an in-combination assessment." '...if no LSE [Likely Significant Effects] then no in combination effects are possible'.

## 9. Preliminary Considerations

The main purpose of preliminary or 'coarse' screening was to screen out policies which clearly had no possible negative impacts, so that fuller considerations could be focussed on those which had the potential to have effects. The policies on which this screening was undertaken can be found in Appendix 2.

During preliminary considerations one of 3 conclusions was drawn for each individual policy:

- 1 It has 'No Likely Significant Effects' by virtue of it not being likely to lead to activities that could cause adverse effects on the site;
- 2 Its effects have the potential to be significant. Fuller consideration is needed to establish if the effects are likely to be significant;
- 3 It has obvious 'Significant Effects' and detailed appropriate assessment, or removal from the Plan will be required.

For some policies the decision of No Likely Significant Effect will be obvious, and these can be screened out immediately.

At the other extreme, some policies will very clearly have a Likely Significant Effect. These will need to be taken forward for 'appropriate assessment' or removed from the Partnership Plan.

In other cases, the judgement about a Likely Significant Effect will be less clear cut. It is in these cases that it is necessary to consider further the nature of the effect, and its likelihood or risk of occurring. These will be taken forward for fuller considerations.

The initial 'coarse' screening considered whether a Qualifying Feature was likely to be affected, either directly and/or indirectly by the policy, or from potential activities stemming from the policy. Any 'activity'<sup>12</sup> that affects the attainment of conservation objectives will be significant. During this, reference was made to the sites' vulnerabilities, requirements to maintain favourable condition, and activities considered to be damaging or likely to lead to deterioration of the site. Broad categories of impacts and potentially damaging activities are set out in Table 2.

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<sup>12</sup> The definition of 'activity' in this sense can include non-intervention, or an absence or lack of activity.

**Table 2 Broad impacts and examples of possible causal activities**

Category of impact	Examples of activity (on and off site) which may cause this impact
<b>Physical loss</b>	Land claim for development – fragmentation and isolation of habitats and populations Coastal defence – loss from land take for structure or erosion from alterations to natural processes Construction of artificial features – eg wind turbines, marinas Changes in land management – eg. cultivation ploughing, felling afforestation etc.
<b>Physical damage/deterioration</b>	Recreation – trampling, erosion, direct disturbance of species eg. flushing of breeding birds by dogs off leads Changes in land management – grazing, cutting, burning regimes etc. leading to changes in species and community composition, Aggregate dredging mineral extraction Selective removal of species eg. bait digging, scrub removal Changes in hydrological regime – changes in water abstraction for domestic, agricultural or industrial/commercial use
<b>Non- physical damage</b>	Recreation – visual presence leading to disturbance of species Noise – disturbance of species Lighting – disturbance to diurnal rhythms
<b>Toxic contaminations</b>	Changes in land management – application of pesticides, fertilizers Increases in emissions to air, water or land eg, from transport or domestic and industrial sources
<b>Non-toxic contamination</b>	Changes in land management – addition of manure, slurry etc. nutrient enrichment and sediment from run off Waste water treatment Works outfalls – nutrient enrichment Mariculture – organic enrichment
<b>Biological disturbance</b>	Changes in management regime – grazing, cutting, burning Non-native species introduction or translocation

Source: Compiled from SAC and SPA Site vulnerabilities, Favourable Condition tables and Operations likely to damage from Component SSSI information for the relevant Natura 2000 sites

**Table 3 – Categories for initial screening of policies during preliminary considerations**

Effect		Reasoning
None	0	The Policy relates to activities which are not likely to have an effect on the Natura 2000 site by virtue of their specificity, scale or distance from the site
No likely (negative) effect	1	The policy is intended to conserve and enhance biodiversity and measures under this policy will not be likely to lead to negative effects on the Natura 2000 site.
	2	The Policy is specifically intended to conserve and enhance the natural, geological, built or historic environment and measures under this policy will not be likely to lead to negative effects on the Natura 2000 site.
	3	The policy is not likely to lead to activities which are likely to have a negative impact on the Natura 2000 site.
	4	The policy addresses activities which have the potential to affect the Natura 2000 site, but the policy itself is worded so as not to encourage activities or allow projects which would be likely to cause negative effects on the Natura 2000 site.
Potential for a negative effect	5	The policy addresses activities which have the potential to affect the Natura 2000 site, the effects of which may or may not be significant. But the policy itself could be reworded if necessary so as not to support or encourage activities which would be likely to cause significant effects on the Natura 2000 site.
Potential for a negative effect/effects uncertain	6	The policy encourages activities which have the potential to affect the Natura 2000 site but the likelihood and risk of significance of effects depends on the location, scale or design of individual schemes or projects. It is therefore more appropriate to screen individual schemes or projects as these come forward.
	7	The policy encourages activities in an area which have the potential to affect the Natura 2000 site, either directly or indirectly. Activities under this policy must be subject to assessment to establish, in the light of the sites conservation objectives, whether it can be objectively concluded that there would not be significant effects on the Natura 2000 site.
Likely Significant effect	8	The policy makes provision for activities likely to have significant effects on the Natura 2000 site. Activities under this policy must be subject to assessment to establish, in the light of the sites conservation objectives, whether it can be objectively concluded that there would not be significant effects on the Natura 2000 site.

**Table 4 - Preliminary screening considerations**

Policy	Beer Quarry and Caves	Exe estuary SPA	East Devon Pebblebed Heaths SAC	East Devon Heaths SPA	River Axe SAC	Sidmouth to West Bay SAC
LI	2	0	2	2	2	2
L2	2	0	2	2	2	2
EQC1	4	4	4	4	4	4
EQC2	3	3	3	3	3	3
EQC3	4	4	4	4	4	4
BG1	1	0	1	1	1	1
BG2	2	2	2	2	2	2
C1	1	1	1	1	1	1
C2	0	2	2	2	2	2
FLM1	2	2	2	2	2	2
FLM2	2	2	2	2	2	2
ART1	3	0	3	3	3	3
ART2	3	0	3	3	3	3
PI	3	2	2	2	2	2
P2	2	2	2	2	2	2
T1	3	3	3	3	0	3
T2	4	4	4	4	4	4
RES1	3	3	3	3	3	3
RES2	4	4	4	4	4	4
RES3	3	3	3	3	3	3
CCI	3	3	3	3	3	3
CC2	3	3	3	3	3	3
CEA1	3	3	4	4	4	4
CEA2	3	3	3	3	3	3
M1	2	2	2	2	2	2
M2	3	3	3	3	3	3

## 10. Further Considerations

All of the policies were assessed as not requiring more in-depth consideration as they are either beneficial or are not likely to lead to negative effects on the Natura 2000 sites. This is largely due to the fact that the policies have not changed (other than very minor grammatical changes) from those contained in the 2009-14 AONB Management Strategy. These policies have already undergone a SEA and HRA screening and were duly modified to remove any potential for an effect on SPA/SAC within or adjacent to the AONB.

It is noted that there is currently a consultation underway on new [Marine Conservation Zones](#) (MCZs) for the Otter and Axe Estuaries which may need further consideration in the delivery of any projects delivered through the AONB. It is believed that the integrity of these sites would not be likely to be significantly harmed for the same reasons as stated in this report for the existing Natura 2000 sites.

## 11. Overall conclusions on the likelihood of significant effect

The Screening process confirms that the proposed policies as currently worded have No Likely Significant Effects on the identified Natura 2000 sites.

Partnership Plan policies will guide priorities and subsequent actions within the AONB Delivery Plan. Owing to the necessarily strategic nature of the Partnership Plan, it is not possible to be precise about the locations, scale and design of the possible future proposals, some of which will not even have been conceived yet. In view of this, ‘plans or projects’<sup>13</sup> falling within the scope of policies should be dealt with through proposal specific Habitat Regulations Assessment screening if required.

**Natural England consultation feedback on this screening** noted that for purposes the recent ECJ judgement *People over Wind* has affected the way that Likely Significant Effects must now be screened. The advice currently given to plan-making authorities is as follows;

“A recent judgment from the Court of Justice of the European Union (Case C-323/17 *People Over Wind v Coillte Teoranta*) has provided authoritative interpretation relating to the use of mitigation measures at the screening stage of a Habitats Regulations Assessment (‘HRA’) when deciding whether an appropriate assessment of a plan or project is required. The court concluded that measures intended to avoid or reduce the harmful effects of a plan or project on a European Site can only be considered as part of the appropriate assessment stage of HRA, and not at the preceding screening stage. This means that it is no longer appropriate to rely on these measures when deciding whether a plan or project is likely to have a significant effect on a European site(s).

In light of this judgment, Natural England advises that local plan-making authorities may wish to take legal advice on the implications of the judgment to fully understand whether any further assessment of, or changes to, their Plans are now required to ensure their compliance with the Conservation of Habitats & Species Regulations 2017.

We advise that, if reviewing a draft HRA of a Plan, plan-making authorities consider whether there are measures in the Plan that are intended to avoid or reduce the risk or the possibility of significant effects on European Sites that are being relied upon to rule out the need for an appropriate assessment. Where you consider this to be the case, we advise that an appropriate assessment should be undertaken to consider the impacts on the integrity of the European site(s), either alone or in-combination with other plans and projects, in view of the available advice about the site’s conservation objectives. However, when determining whether the plan will have an adverse effect on the integrity of the European site at the appropriate assessment stage, a competent authority may take account of those avoidance and mitigation measures. Natural England must be consulted on any appropriate assessment.

Plan-making authorities may also wish to consider the advice about this judgment currently provided by the Planning Inspectorate (PINS Note 05/2018), which recommends that, where planning cases are on-going and still being determined, any HRAs drafted which contain screening decisions that have taken into account mitigation measures should be re-examined and an appropriate assessment conducted where necessary.

In very simplified terms, initial assessment work looking at potential adverse impacts (a process called appropriate assessment) which needs to be undertaken at the start of creating a project, such as when initially preparing a planning application, should not take into account any planned mitigation measures to address possible adverse impacts. Rather, if there is the potential for adverse impacts

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<sup>13</sup> Plans or projects should be given a wide interpretation. See guidance from [Assessment of plans and projects significantly affecting Natura 2000 sites Methodological Guidance on the provisions of Article 6\(3\) of the Habitats Directive 92/43/EEC](#) European Commission Environment Directorate, 2001

(regardless of whether mitigation measures are embedded in a project at the outset) a detailed assessment under the Habitat Regulations needs to be undertaken.

### Overall significant effect conclusion

The AONB Partnership Plan should be considered in its entirety and necessarily within the context of the statutory purpose of AONB designation, i.e. 'to conserve and enhance natural beauty.' As such, the purpose of all policies, and Delivery Plan actions that follow, is to actively and positively contribute to conserving and enhancing the area's natural beauty. Included within the definition of 'conserving natural beauty' is the conservation of 'flora, fauna and geographical features'<sup>18</sup> and as such encompasses the reasons for designation of European protected sites, that is to conserve flora and fauna.

The statutory purpose to conserve and enhance natural beauty, inherently necessitates the delivery of actions in such a way as not to compromise or prejudice the achievement of the conservation objectives of European protected sites in the Natura 2000 network.

When policies are interpreted within the overall framework of the AONB Partnership Plan and the intention of the policies (to expand on the AONB statutory purpose), this provides sufficient safeguard and there is a negligible risk that any adverse effects would be permitted to occur.

It is therefore concluded that the East Devon AONB Partnership Plan when taken in its entirety, should have **No Likely Significant Effects** on the identified relevant Natura 2000 sites.

## 12. Limitations of the Screening Assessment

The Screening has been undertaken on policy in the draft 2019-24 AONB Partnership Plan. The Delivery Plan is to be developed by the AONB Partnership (which includes Natural England) on an annual basis. Relevant actions in the Delivery Plan, over the life of the Plan, should be screened and where required, assessed, for the impact of proposed actions on any of these identified Natura 2000 sites.

The assessment of impacts and their significance was based on the policies in the consultation copy of the Partnership Plan. These policies were based on previous Strategic Environmental Assessment recommendations and this has served to reduce the likelihood of significant impacts. There have been no changes to these policies resulting from the consultation that require revisiting.

## Appendix 1 - Characteristics of Natura 2000 sites

### Beer Quarry and Caves SAC (UK0012585)

Grid Reference: SY215892 Area: 31.1 Ha

The site is divided in two by a road, with an active quarry to the north and a disused quarry and cave system to the south. This complex of abandoned mines in South West England is regularly used as a hibernation site by small numbers of **Bechstein's bat *Myotis bechsteinii*** as well as an important assemblage of other bat species including **Greater Horseshoe and Lesser Horseshoe**. *Myotis bechsteinii* is one of the rarest bats in western Europe, and is regarded as endangered in several countries, with a population decrease being reported over most of its European range. It is one of the UK's rarest mammals, recorded from only a small number of sites in southern England and Wales.

Dry grassland. Steppes (10%) Improved grassland (50%). Broad-leaved deciduous woodland (5%). Other land (including towns, villages, roads, waste places, mines, industrial sites) (35%).

Qualifying Features (Primary* & non-primary)	Conservation Objectives	Requirements to maintain favourable condition / conservation status	Key Factors affecting site integrity / Vulnerability	
*1323 <a href="#">Bechstein's bat <i>Myotis bechsteinii</i></a>	To maintain the population of <i>Myotis bechsteinii</i> in favourable condition  To maintain the caves in favourable condition as a hibernating bat roost	No significant increase in human disturbance  Entrances remain unobstructed; no unplanned new entrances causing a change to ventilation  No change in entrance size sufficient to affect	Disturbance	Some parts of the 'cave' system are open to the public with no restriction on access, in others areas access is controlled by well-designed secure grille. Other areas (those on the other side of the road from the show cave) have no protection at all (other than the danger signs on the entrance to the quarry). Access to the site must remain under control of the owner/occupier or site secured against unauthorised access. Parts of the cave system are open to the public, but disturbance is minimal as they are only open during the summer months. A site management statement has been agreed with the quarrying company.

		air-flow and internal temperature		<p>Natural England is currently in the process of carrying out a study to try and determine whether limited access to the caves in winter would be damaging through increased disturbance.</p> <p>The tunnels lie in the Beer Stone, below the chalk, and future quarrying operations (c. 20 years) will not extend so far as to destroy the tunnels.</p>
I303 <a href="#">Lesser horseshoe bat</a> <i>Rhinolophus hipposideros</i>	To maintain the population of <i>Rhinolophus hipposideros</i> in favourable condition	<p>No significant shading of the main roost area by trees (&amp; etc) so that solar heating can occur.</p> <p>No artificial lights shining on entrance or associated flight paths</p>	Artificial lighting (in caves, at entrances and on flight paths)	<p>There are artificial lights in the caves, but these are restricted to a fraction of the total tunnel network. Presence of artificial lights can impact on behavior, but the current level of lighting does not appear to be an issue. No artificial lights should shine on access(es).</p>
I304 <a href="#">Greater horseshoe bat</a> <i>Rhinolophus ferrumequinum</i>	To maintain the population of <i>Rhinolophus ferrumequinum</i> in favourable condition	<p>No significant unplanned change to ventilation or temperature regime.</p> <p>Caves cool (8-12°C) and dark, once beyond the entrance zone</p>	Management of surrounding land	<p>Vegetation around the entrance can alter solar heating and ventilation of the caves.</p> <p>Bats require good suitable habitat surrounding the caves in order to approach and leave safely, and to forage. This includes woodland, uncultivated field margins and extensively managed pasture. Lesser horseshoe prefers sheltered valleys with extensive deciduous woods or dense scrub, close to roost sites. Where habitat is fragmented, linear features such as hedgerows are important commuting corridors between roosts and foraging areas. This is particularly important in spring when bats will be emerging from hibernation and will need to build fat reserves for the breeding season.</p>

**Last Condition Assessment for component SSSIs**

Beer Quarry and Caves SSSI (4 units) Details summarised from Report Generated 22 May 2018 from Natural England SSSI Condition Summary

	% meeting area of favourable or unfavourable recovering	Favourable	Unfavourable - Recovering	Unfavourable - No change	Unfavourable - Declining	Partially destroyed	Destroyed	Not Assessed
Area (ha)	26.04	26.04		5.37				
Percentage	82.89%	82.89%	0.00%	17.11%	0.00%	0.00%	0.00%	0.00%

**East Devon Pebblebed Heaths SAC (UK)**

Grid Reference: SY046876 Area: 1123.817 Ha

The largest block of lowland heathland in Devon including **Northern Atlantic wet heaths with *Erica tetralix*** and **European dry heaths**, for which the site is considered to be one of the best areas in the UK. The site holds two relatively small populations of the globally threatened **Southern damselfly, (*Coenagrion mercurial*)** for which it is considered to be one of the best areas in the UK. The UK has special responsibility for **Northern Atlantic wet heaths** because it holds a large proportion of the European resource making a significant contribution to the maintenance of favourable conservation status in a European context. All the site's qualifying features are Globally viewed as being of 'good value.' There is also an important assemblage of birds including European Nightjar (*Caprimulgus europaeus*), Eurasian Hobby (*Falco subbuteo*) and Dartford Warbler (*Sylvia undata*).

Qualifying Features (Primary* & non-primary)	Conservation Objectives	Requirements to maintain favourable condition / conservation status	Key Factors affecting site integrity / Vulnerability	
<a href="#">*4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></a>	To maintain in favourable condition the Northern Atlantic wet heaths with <i>Erica tetralix</i>	Maintain current extent of area	Nutrient enrichment	Heathland requires nutrient poor soils. Southern damselfly prefers pools and runnels to be relatively clear of vegetation and so will be vulnerable to nutrient enrichment of flushes. Suitable larval habitat consists of belts of emergent, floating and submerged vegetation along the fringes of water bodies.
<a href="#">*4030 European dry heath</a>	To maintain in favourable condition the European dry heath	Maintain current extent of area	Water abstraction	Wet heath, wet flushes and mire will be vulnerable to water table fluctuations. Water abstraction from local groundwater sources could have adverse consequences for the site's hydrology resulting in changes to the vegetation characteristics of the site. Water abstraction licences will be reviewed under the relevant provisions of the Habitats Regulations.
<a href="#">1044 Southern damselfly</a>	To maintain at favourable conservation status the population of Southern	Maintaining extent of suitable larval habitat	Climate change	Wet heath, wet flushes and mire will be vulnerable to water table fluctuations.

<a href="#"><u>Coenagrion mercuriale</u></a>	damselfly <i>Coenagrion mercuriale</i>	Wet flushes – maintenance of hydrological regime		Southern damselfly may be vulnerable to climate change impacts such as drier summers.
	To maintain in favourable condition the habitats of the population of Southern damselfly <i>Coenagrion mercuriale</i>	Water/ wet flushes with open character to surrounding vegetation  Evidence of confirmed or probable breeding	Changes in management regime – loss of habitat	Burning, cutting and grazing regimes are required to maintain the open vegetation structure and character of dry heath. Natural processes would lead to succession to thick scrub (such as Gorse <i>Ulex spp</i> ) or secondary forest. Some fluctuations and variations from year to year are normal and acceptable.  Southern damselfly adults require open structured habitat for foraging therefore changes in grazing of wet heaths may have a detrimental impact.
			Land management on surrounding land	Changes in adjacent agricultural management (e.g. stock feeding, poaching) may have an adverse impact on the water chemistry and water levels and may result in changes to the vegetation characteristics of the site. Also air quality issues related especially to Ammonia levels from adjacent pig farming.
			Quarrying and mineral extraction	Quarrying occurring in the immediate vicinity may have an adverse impact on the water chemistry and on water levels and may result in changes to the vegetation characteristics of the site. Mineral permissions will be reviewed under the relevant review provisions of the Habitats Regulations.
			Physical damage and disturbance	Increased recreational use can cause vegetation changes/damage and disturbance to wildlife. Most of the SAC area is Registered Common: Aylesbere Common (CL35), Harpford Common (CL54), Hawkerland Valley (CL55), Woodbury (CL136) East Budleigh Common (CL49), Bicton Common (CL82), Colaton Raleigh (CL169), Lypstone (CL39). It is Access Land under the CRWA

2000. The East Devon Way recreational trail runs through the site, as well as several Bridleways and other footpaths.

Problems with illicit vehicles using the site, particularly on Lymestone Common (Unit 14) also mountain bikers and is prone to fly tipping and accidental burns.

### Last Condition Assessment for component SSSIs

East Devon  
Pebblebed Heaths  
SSSI (16 units)

Details summarised from Report Generated 22 May 2018 from Natural England SSSI Condition Summary

	% meeting area of favourable or unfavourable recovering	Favourable	Unfavourable - Recovering	Unfavourable - No change	Unfavourable - Declining	Partially destroyed	Destroyed	Not Assessed
Area (ha)	1,083.97	314.87	769.10	50.11				
Percentage	95.58%	27.76%	67.82%	4.42%	0.00%	0.00%	0.00%	0.00%

**East Devon Heaths SPA (UK9010121)**

Grid Reference: SY046876 Area: 1123.817 Ha

The East Devon Pebblebed Heaths comprises approximately 1,110 hectares of lowland heath in South West England. This is the largest block of lowland heath in Devon and is an internationally important representative of the inland Atlantic-climate lowland heaths of Britain and North West Europe. The site holds 2.4% of the GB breeding population of **Nightjar (*Caprimulgus europaeus*)** and 8% of the GB breeding population of **Dartford Warbler (*Sylvia undata*)**.

Qualifying Features (Primary* & non-primary)	Conservation Objectives	Requirements to maintain favourable condition / conservation status	Key Factors affecting site integrity / Vulnerability	
*Nightjar <i>Caprimulgus europaeus</i>	To maintain at favourable conservation status the population of <i>Caprimulgus europaeus</i>	Availability of food  Confirmed or probable breeding	Land management	The majority of the site is under positive conservation management.
	To maintain in favourable condition, the habitats of the population of <i>Caprimulgus europaeus</i>		Water abstraction	Changes in water supply may result in major changes to the vegetation and/or affect the ability of the site to provide food supplies on which the birds depend. The effects of these activities will largely be mitigated by the review of water abstraction licenses under the relevant provisions of the Habitat Regulations.
*Dartford Warbler <i>Sylvia undata</i>	To maintain at favourable conservation status the	Availability of food Confirmed or probable breeding	Quarrying	Local quarrying may have an adverse impact on water chemistry or result in major changes to the vegetation and/or affect the ability of the site to provide food supplies on which the birds depend. The effects of these activities will largely be mitigated by the review of

<p>population of <i>Caprimulgus europaeus</i></p>	<p>mineral permissions licenses under the relevant provisions of the Habitat Regulations.</p>
<p>To maintain in favourable condition, the habitats of the population of <i>Sylvia undata</i></p>	<p><b>Disturbance</b></p> <p>This is a key issue with these 2 bird species both of which nest on or near the ground (Underhill-Day 2005). Recreational pressure on the site (particularly dogs off lead and people off paths) is a real issue on the site. [Maps from breeding bird surveys already show lower numbers of nightjar in the areas closest to Woodbury Castle and the MOD grenade range.]</p> <p>Most of the SPA area is Registered Common: Aylesbere Common (CL35), Harpford Common (CL54), Hawkerland Valley (CL55), Woodbury (CL136) East Budleigh Common (CL49), Bicton Common (CL82), Colaton Raleigh (CL169), Lympstone (CL39). It is Access Land under the CROWAct 2000. The East Devon Way recreational trail runs through the site, as well as several Bridleways and other footpaths.</p> <p>Problems with illicit vehicles using the site, particularly on Lympstone Common (Unit 14) also mountain bikers and is prone to fly tipping and accidental burns.</p>

**Last Condition Assessment for component SSSIs**

East Devon            See above for East Devon Pebblebed Heaths SAC  
Pebblebed Heaths  
SSSI (16 units)

**Exe Estuary SPA (UK901081) and Ramsar (UK11025)**

Grid Reference: Area: 2345.71 Ha

The Exe has an internationally important assemblage of wintering waterfowl. Over winter the area regularly supports 23811 waterfowl (5 year peak mean 01/04/1998) including **Slavonian Grebe (*Podiceps auritus*)**, **1.5% of the GB population of Dark-bellied Brent Goose (*Branta bernicla bernicla*)**, **Oystercatcher (*Haematopus ostralegus*)**, **Avocet (*Recurvirostra avosetta*)** **13.4% of GB population**, **Grey Plover (*Pluvialis squatarola*)**, **Dunlin (*Calidris alpina alpina*)**, **Black-tailed Godwit (*Limosa limosa islandica*)** **2.4% of the population**. Habitats include tidal river and estuary; mud flats with the polychaete worm *Ophelia bicornis* known only from 1 other site in Britain and sand flats (80%). Bogs, marshes, water fringed vegetation, fens (10%). Salt marshes and pastures, salt steppes (5%). Coastal sand dunes, sand beaches, machair (5%). The site also holds national scarce Ruddy Darter (*Sympetrum sanguinum*) and Hairy Dragonfly (*Brachyton pratense*). Noteworthy flora includes Eelgrass *Zostera spp.*

Qualifying Features (Primary* & non-primary)	Conservation Objectives	Requirements to maintain favourable condition / conservation status	Key Factors affecting site integrity / Vulnerability	
*A046a Dark-bellied Brent Goose <i>Branta bernicla bernicla</i>		Food availability (Eelgrass <i>Zostera spp.</i> beds)	Recreation	Recreational uses have the potential to disturb waterfowl.
A149 Dunlin <i>Calidris alpina alpina</i>		Food availability	Dredging	Maintenance dredging occurs in the estuary approach channel that could have adverse impacts on sediment movement patterns and Dawlish Warren Sandspit. Dredging operations are subject to assessment under the Habitats Regulations.
A130 Oystercatcher		Food availability	Natural coastal processes/coastal defence	New or improved coastal defences as might be required to protect new infrastructure or other developments

<i>Haematopus ostralegus</i>		
*A156 Black-tailed Godwit <i>Limosa limosa islandica</i>	Food availability	Coastal squeeze
A141 Grey Plover <i>Pluvialis squatarola</i>	Food availability	
A007 Slavonian Grebe <i>Podiceps auritus</i>	Food availability	
A132 Avocet <i>Recurvirostra avosetta</i>	Food availability	

### Last Condition Assessment for component SSSIs

Exe Estuary SSSI  
(45)

Details summarised from Report Generated 22 May 2018 from Natural England SSSI Condition Summary

	% meeting area of favourable or unfavourable recovering	Favourable	Unfavourable - Recovering	Unfavourable - No change	Unfavourable - Declining	Partially destroyed	Destroyed	Not Assessed
Area (ha)	2,181.78	1,838.54	343.24		8.33			
Percentage	99.62%	83.95%	15.67%	0.00%	0.38%	0.00%	0.00%	0.00%

**Sidmouth to West Bay SAC (UK0019864)**

Grid Reference: SY229903 Area: 897.5081 Ha

Sidmouth to West Bay is an example of highly unstable soft cliff coastline subject to mudslides and landslips. It is the largest and most important landslip area on the British coast. Vegetation is varied and invades pioneer communities on recent slips, calcareous grassland and scrub on detached chalk blocks and extensive self-sown woodland dominated by Ash (*Fraxinus excelsior*) or sycamore (*Acer pseudoplatanus*). The varied undercliffs have a wide range of habitats supporting a number of rare plants and animals. Adjoining the coastline are unusually large areas of herb-rich grassland of a type now very restricted in occurrence.

Qualifying Features (Primary* & non-primary)	Conservation Objectives	Requirements to maintain favourable condition / conservation status	Key Factors affecting site integrity / Vulnerability	
<a href="#">*I230 Vegetated sea cliffs of the Atlantic and Baltic coasts</a>	To maintain, in favourable condition, the vegetated sea cliffs of the Atlantic and Baltic coasts	Active natural coastal processes, landslips maintain overall length and/or area of cliff habitat taking into account natural variation	Natural coastal processes	An important aspect of this habitat is the modification of vegetation patterns in response to natural and geomorphological coastal processes without constraints. Introduction of or increase in physical constraints would reduce the mobility of the cliff and reduce the range of communities representing the vegetated sea cliffs. Information on existing coast protection should be available from the South Devon and Dorset Shoreline Management Plan
<a href="#">*9180 Tilio-Acerion forests of slopes, screes and ravines</a> (Priority Feature)	To maintain, in favourable condition, the <i>Tilio-Acerion</i> forests of slopes, screes and ravines	No loss of ancient woodland Active natural coastal processes, landslips Composition and structure of the stand	Coastal defence	Coastal defence outside the site can have an impact, especially where it is within the same sediment sub-cell. No erection of sea defences or coast protection works, including cliff or landslip drainage or stabilisation works. There are currently no coastal defences except for very minor ones for individual properties.
<a href="#">I210 Annual vegetation of drift lines</a>			Climate Change and Coastal squeeze	Vegetated cliffs may experience coastal squeeze against adjacent land, which may be managed for agriculture as cliff face recedes.

		Climate Change may also mean more properties are defended against the sea.
	Non-native species	Death, destruction or replacement of native woodland species through effects of introduced fauna, or other external unnatural factors not more than 10% by number or area in a five year period.
	Grazing/browsing	Excessive browsing/grazing by even native ungulates may be considered an unnatural external factor where it leads to undesirable shifts in the composition/structure of the stand.
	Land management (including surrounding land)	The habitats within this site are highly sensitive to inorganic fertilisers and pesticides, applications of which should be avoided both within the site itself and in adjacent surrounding areas. Habitats are also susceptible to invasive introduced species, including as <i>Rhododendron</i> and <i>Cotoneaster</i> , and, in wet situations, parrot's feather, Australian swamp stonecrop and Himalayan balsam. Such species should be controlled and, where practical, eliminated from the site. Herbicides may be useful in targeting certain invasive species, but should be used with extreme care.
	Disturbance (e.g. recreation)	Access to this site, and any recreational activities within, may also need to be managed. The South West Coast Path runs through the site.

### Last Condition Assessment for component SSSIs

Sidmouth to Beer Coast SSSI (12 units)

Details summarised from Report Generated 22 May 2018 from Natural England SSSI Condition Summary

	% meeting area of favourable or unfavourable recovering	Favourable	Unfavourable - Recovering	Unfavourable - No change	Unfavourable - Declining	Partially destroyed	Destroyed	Not Assessed
Area (ha)	227.10	216.78	10.32	5.80	9.15			
Percentage	93.83%	89.56%	4.27%	2.40%	3.78%	0.00%	0.00%	0.00%

Axmouth to Lyme  
Regis Undercliffs  
SSSI (20)

Details summarised from Report Generated 22 May 2018 from Natural England SSSI Condition Summary

	% meeting area of favourable or unfavourable recovering	Favourable	Unfavourable - Recovering	Unfavourable - No change	Unfavourable - Declining	Partially destroyed	Destroyed	Not Assessed
Area (ha)	331.71	8.19	323.52					
Percentage	100.00%	2.47%	97.53%	0.00%	0.00%	0.00%	0.00%	0.00%

West Dorset Coast  
SSSI (42)

Details summarised from Report Generated 22 May 2018 from Natural England SSSI Condition Summary

	% meeting area of favourable or unfavourable recovering	Favourable	Unfavourable - Recovering	Unfavourable - No change	Unfavourable - Declining	Partially destroyed	Destroyed	Not Assessed
Area (ha)	587.38	480.66	106.71	11.12				
Percentage	98.14%	80.31%	17.83%	1.86%	0.00%	0.00%	0.00%	0.00%

**Dawlish Warren SAC (UK0030130)**

Grid Reference: SX985793 Area: 58.6607 Ha

Dawlish Warren is considered to be one of the best areas in the UK for humid dune slacks. It is considered to be one of the best areas in the UK for Petalwort (*Petalophyllum ralfsii*) (2000 resident) that is restricted to 19 sites in total.

Qualifying Features (Primary* & non-primary)	Conservation Objectives	Requirements to maintain favourable condition / conservation status	Key Factors affecting site integrity / Vulnerability	
<a href="#">2110 Embryonic shifting dunes</a>		Natural coastal processes Less than 5% scrub	Recreation	Dawlish Warren is an extremely popular seaside resort and human visitor pressure is considerable. Can cause erosion and trampling issues.
<a href="#">2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes")</a>		Natural coastal processes	Erosion	Erosion problems affect the shifting dunes along the shoreline, and consequently fencing is required to direct visitors.
<a href="#">2130 Fixed dunes with herbaceous vegetation ("grey dunes") (Priority Feature)</a>			Fluctuations in water table	The humid dune slacks have suffered from a declining water-table in recent years but the installation of a wind turbine to recharge the slack should reverse this trend.
<a href="#">2190 Humid dune slacks</a>		Groundwater levels	Surrounding land management	Much of the fixed dune grassland is a golf course and is subjected to wear, whilst modifications to tees, greens and fairways can have an

			impact on adjoining species-rich grassland, for example, by spray-drift of chemicals.
<a href="#">1395 Petalwort</a> <a href="#">(<i>Petalophyllum</i></a> <a href="#"><i>ralfsii</i>)</a>	Active humid dune slacks	Coastal management	Inappropriate coastal management. Groynes and gabions can stabilise dune systems. Dune stabilisation leading to natural succession can effect Petalwort populations.
		Invasive species	Invasive species can stabilise the dune systems.

### Last Condition Assessment for component SSSIs

Dawlish Warren SSSI (9 units)      Details summarised from Report Generated 22 May 2018 from Natural England SSSI Condition Summary

	% meeting area of favourable or unfavourable recovering	Favourable	Unfavourable - Recovering	Unfavourable - No change	Unfavourable - Declining	Partially destroyed	Destroyed	Not Assessed
Area (ha)	155.77	11.24	144.53		25.63			
Percentage	85.87%	6.20%	79.67%	0.00%	14.13%	0.00%	0.00%	0.00%

**Lyme Bay and Torbay SAC(SCI) (UK0030372)**

Grid Reference: SY31482I Area: 31,248Ha

This site is situated mostly within the Western English Channel and Celtic Regional Sea and lies off the south coast of England off the counties of Dorset and Devon. The Lyme Bay and Torbay SAC (SCI) comprises of two sections: Lyme Bay Reefs and Mackerel Cove to Dartmouth Reefs. It covers 31,248 ha and includes 14,289 ha of reef and 85 known caves. The reefs in the site have a much greater diversity of habitats (geologically and topographically) than is found in other existing SACs in the same Regional Sea.

Qualifying Features (Primary* & non-primary)	Conservation Objectives	Requirements to maintain favourable condition / conservation status	Key Factors affecting site integrity / Vulnerability	
1170 <u>Reefs</u>	Subject to natural change <sup>6</sup> , maintain <sup>7</sup> or restore <sup>8</sup> the <b>reefs</b> in/to favourable condition <sup>9</sup> , in particular the subfeatures:  Bedrock reef communities  Biogenic reef communities	Natural coastal/marine processes	Fishing	Highly vulnerable to physical damage and biological disturbance caused by demersal towed fishing gears
8330 <u>Submerged or partially submerged sea caves</u>	Subject to natural change, maintain the Submerged or partially submerged <b>sea caves</b> in favourable condition.	Natural coastal / marine processes	Abrasion/ vandalism	Not considered vulnerable to physical damage

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**Last Condition Assessment for component SSSIs**

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West Dorset  
Coast SSSI (42  
units)

Details summarised from Report Generated 22 May 2018 from Natural England SSSI Condition Summary

	% meeting area of favourable or unfavourable recovering	Favourable	Unfavourable - Recovering	Unfavourable - No change	Unfavourable - Declining	Partially destroyed	Destroyed	Not Assessed
Area (ha)	587.38	480.66	106.71	11.12				
Percentage	98.14%	80.31%	17.83%	1.86%	0.00%	0.00%	0.00%	0.00%

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## Appendix 2 -Policies in the East Devon AONB Partnership Plan

Policy Code	Policy
L1	Support the development and delivery of environmental schemes and projects aimed at maintaining and improving the landscape character, historic environment and local distinctiveness of the AONB.
L2	Develop methods that enable effective and targeted management and monitoring of the AONB's natural, historic and cultural landscape.
EQC1	Support and encourage environmental and renewable energy initiatives aimed at maintaining and improving the natural resources of the AONB and reducing greenhouse gas emissions, that are in keeping with the sustainable management of the landscape, maintain landscape character and conserve and where possible enhance, natural beauty.
EQC2	Support and encourage schemes that will help to reduce, re-use and recycle waste in a sustainable manner whilst respecting the landscape character of the AONB.
EQC3	Seek to understand and plan to exploit or minimise possible impacts arising from climate change in order to conserve and enhance the AONB, in particular habitats and species protected for their nature conservation value.
BG1	In partnership with others, support and encourage conservation and enhancement actions for key habitat and species within the AONB that maintain and enhance landscape character and the historic environment.
BG2	Encourage actions that serve to conserve and promote geodiversity within the AONB, in particular within the Dorset and East Devon World Heritage Site.
C1	Conserve and enhance the tranquil, unspoiled and undeveloped character of the coastline and estuaries and encourage improvements to coastal sites damaged by past poor-quality development or intensive recreational pressure.
C2	Support and encourage action that maintains the highest standard of bathing water quality and litter management in the estuaries and along the coast.
FLM1	Promote and support appropriate and positive land management, diversification and agri-environment schemes that are in keeping with the purposes of AONB designation.
FLM2	Support initiatives that enable the land management sector to adapt to change and remain viable, whilst maintaining and enhancing the natural beauty of the AONB.
ART1	In partnership with others encourage and support the provision of high quality, sensitive, physical access for as wide a range of users as possible and the on-going development of key recreational routes where this does not conflict with the conservation of internationally protected sites and species.

Policy Code	Policy
ART2	Encourage and support sustainable tourism activities within the AONB by promoting the special qualities of the landscape, where this would not lead to conflict with the conservation of internationally protected sites and species.
P1	Encourage the development of guidelines to support high quality sustainable development which complements and respects the AONB landscape and historic character.
P2	Provide advice and support on planning policy and development to enable the special qualities of the historic and landscape character to be conserved and enhanced.
T1	Promote the development of high quality, integrated and sustainable transport services and initiatives in the around the AONB where compatible with conserving and enhancing natural beauty and the conservation objectives of European nature conservation sites.
T2	Work to ensure road and transport schemes within the AONB have regard to the purposes of AONB designation.
RES1	Encourage the principle of local markets and local produce where it adds value to the local economy and contributes to the AONB purpose of designation.
RES2	Encourage the development of sustainable employment opportunities that are compatible with AONB purpose and objectives, promote good design and encourage people to continue to live and work within in their communities.
RES3	In partnership with others develop monitoring and research that serves to quantify and assess the economic value of the environment in the AONB.
CC1	Support local community engagement in physical, cultural and natural heritage initiatives within the AONB.
CC2	Work with others to strengthen community capacity, resources, information, services and facilities within the AONB where these contribute to the AONB purpose of designation.
CEA1	In partnership with others promote and support the education, understanding and appreciation of the natural and cultural landscape of the AONB.
CEA2	Promote and highlight good practice within the AONB and the role and activities of the AONB Partnership.
M1	Encourage co-ordination and partnership amongst the wide range of national and regional agencies and organisations and other Devon AONBs to secure funding for the care and enhancement of the AONB.
M2	Ensure that the AONB Management Plan is reviewed every five years and the Delivery Plan is annually updated and made publicly available.

## Appendix 3 – Consultation and acknowledgement

Natural England was consulted through the AONB Partnership representative on the draft HRA. The response on the screening assessment is shown below.

I think for purposes of clarity you should mention in the final screening report the recent ECJ judgement *People over Wind* which has affected the way that Likely Significant Effects must now be screened. The advice we are currently giving to plan-making authorities is as follows;

“A recent judgment from the Court of Justice of the European Union ([Case C-323/17 People Over Wind v Coillte Teoranta](#)) has provided authoritative interpretation relating to the use of mitigation measures at the screening stage of a Habitats Regulations Assessment ('HRA') when deciding whether an appropriate assessment of a plan or project is required. The court concluded that measures intended to avoid or reduce the harmful effects of a plan or project on a European Site can only be considered as part of the appropriate assessment stage of HRA, and not at the preceding screening stage. This means that it is no longer appropriate to rely on these measures when deciding whether a plan or project is likely to have a significant effect on a European site(s).

In light of this judgment, Natural England advises that local plan-making authorities may wish to take legal advice on the implications of the judgment to fully understand whether any further assessment of, or changes to, their Plans are now required to ensure their compliance with the Conservation of Habitats & Species Regulations 2017.

We advise that, if reviewing a draft HRA of a Plan, plan-making authorities consider whether there are measures in the Plan that are intended to avoid or reduce the risk or the possibility of significant effects on European Sites that are being relied upon to rule out the need for an appropriate assessment. Where you consider this to be the case, we advise that an appropriate assessment should be undertaken to consider the impacts on the integrity of the European site(s), either alone or in-combination with other plans and projects, in view of the available advice about the site's [conservation objectives](#). However, when determining whether the plan will have an adverse effect on the integrity of the European site at the appropriate assessment stage, a competent authority may take account of those avoidance and mitigation measures. Natural England must be consulted on any appropriate assessment.

Plan-making authorities may also wish to consider the advice about this judgment currently provided by the Planning Inspectorate ([PINS Note 05/2018](#)), which recommends that, where planning cases are on-going and still being determined, any HRAs drafted which contain screening decisions that have taken into account mitigation measures should be re-examined and an appropriate assessment conducted where necessary.

Also, as part of the evidence base it would be worth recording that every N2K site has a Site Improvement Plan, which identifies risks and threats to the interest features and supplementary conservation advice will be published for all sites by Spring 2019.

Final consultation with Natural England in January 2019 solicited the following response.

**Habitats Regulations Screening Assessment Post Consultation final report Oct 2018**

Natural England concurs with the conclusion of the HRA assessment that the East Devon AONB Partnership Plan 2019-24, when taken in its entirety, will have No Likely Significant Effects on the identified Natura 2000 sites. We note that our advice on the previous version of the Assessment has been taken on board.

Additional comments;

Pages 7 and 18 - The proposed Marine Consultation Zones for the Otter Estuary and Axe Estuary are a material consideration for development purposes; it may be worth updating the map on page 7 of the report to include these sites;

Page 10 – All the SAC and SPA sites screened in to the HRA now have draft published Supplementary Advice, with the exception of Beer Quarry and Caves SAC and Sidmouth to West Bay SAC. Advice for East Devon Heaths SAC, East Devon Pebblebed Heaths SPA, River Axe SAC can be found here;

<http://publications.naturalengland.org.uk/category/5374002071601152>

The report was publicly available for consultation alongside the Draft Partnership Plan in summer 2018 and no other comments were received.

**Acknowledgement**

This report has been prepared by Chris Woodruff, Manager, East Devon AONB Partnership and has been based on the previous report provided by Crimson Beetle Ecological Consulting in 2009 and revised in 2014. It has been undertaken with all reasonable skill, care and due diligence.